

December 30, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 30, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of December 15 and 16, 2004, be approved.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Bills

Mr. Cramer: I move the following bills, as reviewed by the Commission, be approved and paid:

|  |           |
|--|-----------|
| AAWCO                                  | 200.00    |
| Great Capital Lunchroom                | 14.00     |
| ND Newspaper Association               | 1,078.41  |
| Leo D. Praus                           | 550.19    |
| Anthony T. Clark                       | 55.90     |
| Susan Richter                          | 405.40    |
| Douglas County Sheriff                 | 25.00     |
| Cellular One—December billing          | 223.72    |
| Nirander M. Safaya                     | 12.00     |
| Cellular One – October roaming charges | 32.25     |
| Cellular One—November billing          | 259.71    |
| JP Robbins                             | 291.25    |
| Thiem Drilling                         | 4,518.10  |
| Material Testing Services, Inc.        | 9,001.25  |
| Rick Fillbrandt                        | 405.40    |
| FRS Industries                         | 2,310.00  |
| ITD—11/04 Data processing              | 1,910.69  |
| Office of Administrative Hearings      | 2,027.96  |
| DOT—11/04 billing                      | 16,075.11 |
| OMB—11/04 ups                          | 33.49     |

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2342-01-296  
Qwest Corporation  
Interconnection/Wholesale Price  
Investigation

Mr. Cramer: I move the Commission approve Qwest Corporation's filing, Case No. PU-2342-01-296 and Case No. PU-04-581 of a 6th Revision 4th Amended Exhibit A to the North Dakota Statement of Generally Available Terms and Conditions, filed in compliance with the Commission's October 8, 2004, order that will take effect 60 days after the date the final version of the Exhibit A filing was submitted to the Commission, conditioned upon Qwest filing a version of the Minnesota UNE descriptions adapted to the UNEs available in North Dakota within 30 days after the final version of the Exhibit A filing.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-581  
Qwest Corporation  
Statement of Generally Available  
Terms - Exhibit A  
Revision

Case No. PU-04-647  
Southwestern Bell Communications  
Services, Inc.  
Name Change  
Application

Mr. Cramer: I move the Commission reissue Certificate of Registration Nos. 457 and 960, and Certificate of Public Convenience and Necessity No. 5127 to SBC Long Distance, Inc., Case No. PU-04-647.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-654  
DELTEL, INC.  
Long Distance Reseller  
Application

Mr. Cramer: I move the Commission issue a Certificate of Registration to DELTEL, INC. to resell interexchange telecommunications services in North Dakota, Case No. PU-04-654.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-661  
Z-Tel Communications, Inc.  
Name Change  
Application

Mr. Cramer: I move the Commission reissue Certificate of Registration Nos. 620 and 621, and Certificate of Public Convenience and Necessity No. 4679 to Trinsic Communications, Inc., Case No. PU-04-661.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-04-592  
v. Troy Kinn - Auctioneer  
Complaint  
Withdraw

Mr. Cramer: I move the Commission issue an Order Granting Staffs Request to Withdraw Complaint and Close Case No. AU-04-592, Public Service Commission v. Troy Kinn, Auctioneer Complaint.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-642  
BNI Coal, Ltd  
Reclamation Extension 26, Tract 1,  
Permit 24  
Approval

Mr. Cramer: I move the Commission approve Reclamation Period Extension No. 26 for Tract 1 within Surface Coal Mining Permit No. 24, held by BNI Coal, Ltd., to extend the reclamation period on 27.3 acres at the Center Mine until December 31, 2005.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-655  
Falkirk Mining Company  
Reclamation Extension 23, Permit 40  
Approval

Mr. Cramer: I move the Commission approve Reclamation Extension No. 23 for Surface Coal Mining Permit No. 40, held by the Falkirk Mining Company, to extend the reclamation period on 24.52 acres of reclaimed land at the Falkirk Mine until December 31, 2005.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Blaster Recertification  
Approval

Mr. Cramer: I move the Commission approve the  
blaster recertification of the following applicant:

Recertification

| <u>Applicant</u> | <u>Affiliation</u> | <u>Certificate No.</u> |
|------------------|--------------------|------------------------|
| Darcy Kramlich   | BC Fry Company     | 94-11-224-R(3)         |

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-560  
Montana-Dakota Utilities Co., a  
Division of MDU  
Corey Botner - Bismarck, ND  
Public Convenience & Necessity  
Notice of Hearing

Mrs. Wefald: I move the Commission issue a Notice  
of Hearing in Montana-Dakota Utilities Co.'s application  
for a Certificate of Public Convenience and Necessity to  
extend electric service to Corey Botner for a residential  
site near Bismarck, North Dakota, Case No. PU-04-560.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-601  
Falkirk Mining Company  
Revision No. 10, Permit NAFK-9601  
Approval

Mrs. Wefald: I move that the Commission approve  
Revision No. 10 to Surface Coal Mining Permit No.  
NAFK-9601, held by the Falkirk Mining Company, to  
delete 160.27 acres from the permit area that were not  
disturbed by mining and reclamation activities.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-630  
Northern States Power Company  
December 2004  
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve  
Northern States Power Company's cost of gas  
adjustment for December 2004, Case No. PU-04-630.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-639  
Great Plains Natural Gas Co.  
December 2004  
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great  
Plains Natural Gas Co.'s Cost of Gas adjustment for  
December 2004, Case No. PU-04-639.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-646  
Montana-Dakota Utilities Co., a  
Division of MDU  
January 2005  
Cost of Gas Adj./Natural Gas

Mr. Cramer: I move the Commission approve  
Montana-Dakota Utilities Co.'s Natural Gas Cost of Gas  
Adjustment for January 2005, Case No. PU-04-646.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-156  
Garrison Phase III  
Material Testing Services Contract  
Close

Mr. Cramer: I move the Commission close out Contract No. AM-484-04 with Material Testing Services, LLC, PO Box 634, Minot, North Dakota 58702 for material testing services at the Garrison Phase III abandoned mine land site in McLean County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-582  
Public Service Commission - AML  
Division  
2005-2008 ND Reclamation Simplified  
Grant  
Application

Mr. Cramer: I move the Commission submit the 2005 - 2008 North Dakota Abandoned Mine Lands Reclamation Simplified Grant Application to the Office of Surface Mining requesting \$1,620,156 in federal funds to administer the abandoned mine lands program.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-04-614  
North Dakota One-Call  
CY2005 - R07906  
Application

Mr. Cramer: I move the North Dakota Public Service Commission submit the calendar year 2005 North Dakota One-Call Grant Application in the amount of \$75,000.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:25 A.M.

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Executive Secretary

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TONY T. CLARK, PRESIDENT